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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10
11 OYSTER OPTICS, LLC,

12 *Plaintiff,*

13 v.

14 CIENA CORPORATION,

15 *Defendant*
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Case No. 4:17-cv-05920-JSW

**JOINT STATEMENT IN RESPONSE TO
TENTATIVE CONSTRUCTION OF
ENERGY LEVEL DETECTOR (DKT. 113)**

Judge: Hon. Jeffrey S. White

1 Plaintiff Oyster Optics, LLC (“Oyster”) and Defendant Ciena Corp. (“Ciena”), by and
2 through their respective counsel, respectfully submit the following joint statement in response to
3 the Court’s Order Re Tentative Rulings and Questions Re *Markman* Hearing (Dkt. No. 113)
4 (“Order”).

5 The parties have met and conferred in an effort to narrow the issues in dispute. The
6 parties accept the Court’s tentative ruling regarding the “energy level detector” terms recited in
7 claims 1, 14, and 25 of the ’327 patent and claims 1 and 14 of the ’898 patent. (Order at 5-6).
8 The parties have not yet further narrowed the issues in dispute and will be prepared to address the
9 Court’s questions during the *Markman* Hearing.

10 Respectfully submitted,

Dated July 22, 2020

11 PAUL HASTINGS LLP

12 By: /s/ Blair M. Jacobs

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26 CIENA CORPORATION

1 RUSS AUGUST & KABAT

2
3 Dated: July 22, 2020

By: /s/ Paul A. Kroeger

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6 *Attorneys for Plaintiff*

7 OYSTER OPTICS, LLC

8
9 **ATTESTATION**

10 Pursuant to Civil Local Rule 5-1(i)(3), the filer attests that the above signatories concur in
11 the contents of this document and have authorized its filing.

12 Dated: July 22, 2020

By: /s/ Blair M. Jacobs